IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.1538 of 2006

Yogeshwar Education Society Petitioner
Vs.
Shri Ravindar Bhial Patil & ors. Respondents

Mr.D.M.Gupte for petitioner.
Mr.S.V.Pitre for Resp.no.1.

CORAM: B.H.MARLAPALLE,J.

August 23, 2006.

P.C.

. Appeal No.58 of 2003 came to be filed by the present Respondent no.1 in the School Tribunal challenging the order of termination effected from 19/5/2003. While allowing the application at Exhibit 2 filed in the said appeal the School Tribunal by its order dated 19/7/2003 directed that the implementation and operation of the order dated 15/5/2003 would remain stayed.

. Inspite of the order passed by the School Tribunal the Secretary of the petitioner - Management received a communication dated 29/1/2005 from the Education Officer (Secondary), Zilla Parishad calling upon him to communicate to the management the decision that the earlier approval granted to the appointment of the appellant stood cancelled

permanently and the petitioner, therefore, issued an order dated 31/1/2005 (Exhibit 44/1). By the impugned order dated 1/2/2005 the School Tribunal stayed the said order dated 31/1/2005 and consequently the order of stay passed earlier while allowing the application at Exhibit 2 would continue to operate.

. The order dated 31/1/2005 is undoubtedly based on the communication dated 29/1/2005 the petitioner - Society received from the Education Officer (Secondary), Zilla Parishad, Pune and in turn it refers to the directions given by the State Minister for School Education, Maharashtra State. Once the Tribunal had passed an order directing that the order of termination would not take effect, the petitioner or any aggrieved teacher had the remedy to approach this Court and it was not for the Education Officer to proceed and issue the order dated 29/1/2005 withdrawing the approval granted permanently purportedly on the ground that the Minister of State for Education had given such directions. The School Tribunal was justified in passing the impugned order and, therefore, it does not call for any interference.

. The petition is hereby rejected summarily and it is directed that Appeal No.58 of 2003 shall be heard and decided as per law as expeditiously as possible and preferably by 31st March 2007. R. & P. if lying with the Registry be sent back forthwith.

. The respondent shall report to resume the charge of the post of Head Master on 28th August 2006 at 10 a.m and the petitioner will hand over the said charge to him. The Education Officer (Secondary), Zilla Parishad shall submit a report to this Court through the learned AGP within two weeks, in this regard.

(B.H.MARLAPALLE,J.)